

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL DOCKET NO. 1:23-cr-00099-1
	:	
KEVIN PEREZ	:	HONORABLE LEWIS J. LIMAN

MOTION TO CONTINUE TRIAL

AND NOW, the Defendant, Kevin Perez, by and through counsel, Jack McMahon, Esquire, hereby submits this Motion to Continue Trial and avers the following:

1. The Defendant in the above captioned case is scheduled for trial on September 9, 2024.
2. Defendant was indicted on February 23, 2023.
3. Defendant is the only Defendant on the indictment who has not entered into a plea agreement with the Government.
4. Present Counsel had his Pro Hac Vice Motion granted on December 14, 2023 and entered appearance officially on December 20, 2023.
5. Defendant Kevin Perez is the only Defendant facing a murder count and the possibility of life in prison.
6. Counsel for Defendant Perez obtained from the Government a voluminous amount of discovery, including numerous videos.
7. Counsel for the last two years has been dealing with his wife of forty years endometrial cancer diagnosis.
8. Surgery, radiation, chemotherapy, immunotherapy and attempts at a clinical study in Houston, Texas at the MD Anderson Cancer Center all failed and she passed in home hospice on

December 15, 2023.

9. Most all of counsel's already existing schedule was put on hold due to all of this and the past few months have been spent trying to deal with the significant personal issues and the corresponding work and scheduling issues.

10. Further complicating this problem is Counsel after returning from a trip to spread her ashes in the sea, came down with an acute bronchial infection which took him to the hospital and had him out of commission for almost four weeks.

11. Due to the significance of the case to Mr. Perez and the personal and business journey of the last two years I feel the necessity to request a continuance for this matter for a few months to better aid complete preparation.

12. Counsel does not do this lightly, having been trying cases all over the country for forty-seven years but feels it is in the best interest of Mr. Perez to do so.

13. Counsel has discussed this request with the Defendant and his family. Defendant and his family do consent to this request for a continuance of trial.

14. The assigned prosecutors to this matter have been extremely kind and understanding and have indicated, due to the difficult personal issues, that they do not object to this request.

WHEREFORE, Defendant respectfully requests that this Court grant a continuance in the above captioned case.

Respectfully submitted,

Date: July 24, 2024

/s/ Jack McMahon
Jack McMahon
Attorney for Kevin Perez

CERTIFICATE OF SERVICE

The undersigned hereby certify that on this date a copy of the foregoing Motion to Continue Trial was served by way of the Court's electronic case filing system upon the following:

Elizabeth Anne Espinosa, AUSA
James Alan Ligtenberg, AUSA
Ni Qian, AUSA
Patrick Ryan Moroney, AUSA
Office of the United States Attorney
1 St. Andrew's Plaza
New York, NY 10007

Date: July 24, 2024

/s/ Jack McMahon

Jack McMahon

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ORDER

AND NOW, to wit, this day of , 2024, it is hereby
ORDERED and DECREED that the Defendant's Motion to Continue Trial in the above-
captioned case is hereby GRANTED.

J.